



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405301
Applicant Name: Bob Winters for Roy Bishop
Address of Proposal: 7803 12th Ave NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into eight (8) lots (unit lot subdivision). Proposed lot sizes are: A) 1,342 square feet, B) 1,043 square feet, C) 1,043 square feet, D) 1,342 square feet, E) 1,342 square feet, F) 992 square feet, G) 989 square feet; and H) 1,594 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: Establish use as and construct two (2) four (4) unit townhouse structures and occupy per plan all under MUP No. 2400322 Permit No. 743013.

The following approval is required:

Short Subdivision - to subdivide two existing parcels into eight lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

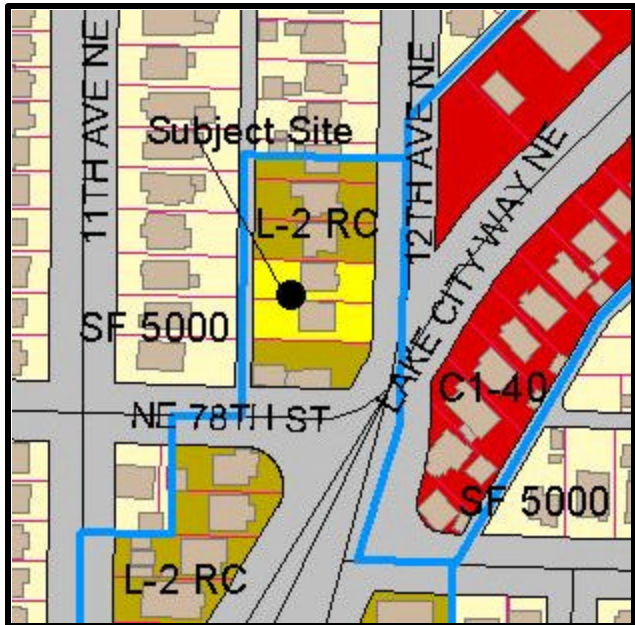
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 9,600 square foot property is located on 12th Ave NE, just to the west of Lake City Way. The subject lot is zoned Multi-family Lowrise-Two Residential-Commercial (L-2 RC). In the immediate vicinity to the north and south lots are also zoned L2-RC. To the west lots are zoned Single Family 5000 (SF 5000). To the northeast and east lots are zoned Commercial One (C1-40) and Single Family 5000 (SF 5000). In the immediate vicinity development consists of one and two-story single-family dwelling units with some newer small scale multi-family structures intermixed into the area. There is commercial development along Lake City Way NE, which is just to the east of the site.



Proposal

The proposal is to subdivide two parcels into eight (8) unit lots with vehicle access from the abutting alley accessed via NE 78th St. Pedestrian access for all lots is provided directly or by pedestrian easement to 12th Ave NE. The two (2) new four-(4)-unit townhouse structures have been reviewed for applicable code compliance under MUP No. 2400322 Permit No. 743013. The townhouse units will have one parking space underneath each unit. Proposed lot sizes are as indicated in the summary above.

Public Comments

The comment period for this proposal ended on August 25, 2004. During the public comment period, DPD received one written comment related to the project. The comment expressed concerns with regard to height of the structures and lack of street parking in the area.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

- 1. Conformance to the applicable Land Use Code provisions;*
- 2. Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
- 3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for Multi-Family Lowrise-Two Residential-Commercial (L2-RC) use. The allowable density of the subject property is one unit per twelve-hundred (1,200) square feet of lot area. Given a lot area of approximately 9,600 square feet, a total of eight (8) units are allowed and currently eight townhouse units are being constructed on the site. Maximum lot coverage is 50%. Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side setback is five (5) feet; the actual required setback is based on the height of the facade adjacent to the side property line. Rear setback is either twenty-five (25) feet or twenty (20) percent of the lot depth, whichever is less, but in no case less than fifteen (15') feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250405-1-008) in order to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 10th, 2004 (WAC ID No. 20041145). There is an eight (8") inch standard water main located in 12th Ave NE which serves the site.

Sanitary Sewer: The existing, proximate public sanitary sewer system was reviewed with the building permit application. It was determined that there are no issues regarding sanitary sewage discharge from this project. A Side Sewer Permit has been issued or will be issued for connection of the project's side sewer to the public sewer. The Side Sewer Permit includes or will include the necessary easement and connection documents.

Drainage: The existing drainage infrastructure was reviewed and the proposed project stormwater control was approved with the building permit application. A Side Sewer Permit has been issued or will be issued for connection of the project's service drains to an approved discharge point. The necessary easement and connection documents will be included with the Side Sewer Permit.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The lot size of the proposal requires that at least nineteen point two (19.2) caliper inches of trees be planted or preserved on site. The building permit was reviewed for consistency with

the zoning requirements for tree planting and the Tree Protection ordinance (SMC 25.11) under MUP No. 2400322 Permit No. 743013.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Two (2) four-(4)-unit townhouse structures are currently being developed on site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit lots if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2400322 Permit No. 743013. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, C, D, E, F, G and H are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise-2 Residential Commercial (L2-RC) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for final approval and pay any necessary fees.
3. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
4. Provide an area to allow for the posting of address signage for Unit Lots E, F, G and H at a location visible from 12th Av NE and provide a covenant and/or easement to ensure that address signage can be maintained.
5. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light.

Signature: (signature on file) Date: November 4, 2004
Lucas DeHerrera, Land Use Planner

LJD:rgc
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